

LPDES PERMIT No. LA0005665, A1 No. 1329

LPDES FACT SHEET and RATIONALE

FOR THE DRAFT LOUISIANA POLLUTANT DISCHARGE ELIMINATION SYSTEM
(LPDES) PERMIT TO DISCHARGE TO WATERS OF LOUISIANA

- I. **COMPANY/FACILITY NAME:** American Sugar Refining, Inc.
Chalmette Cane Sugar Refinery
7417 N. Peters Street
Arabi, LA 70032
- II. **ISSUING OFFICE:** Louisiana Department of Environmental Quality
Office of Environmental Services
P. O. Box 4313
Baton Rouge, Louisiana 70821-4313
- III. **PREPARED BY:** Paula M. Roberts
Water Permits Division
Phone: (225) 219-3086
E-mail: Paula.Roberts@la.gov

DATE PREPARED: July 3, 2008

IV. **PERMIT ACTION/STATUS:**

A. **Reason for Permit Action:**

Proposed reissuance of a Louisiana Pollutant Discharge Elimination System (LPDES) permit for a 5-year term following regulations promulgated at LAC 33:IX.2711/40 CFR 122.46.*

* In order to ease the transition from NPDES to LPDES permits, dual regulatory references are provided where applicable. The LAC references are legal references while the 40 CFR references are presented for information purposes only. In most cases, LAC language is based on and is identical to the 40 CFR language. 40 CFR Parts 401, 405-415 and 417-471 have been adopted by reference at LAC 33:IX.4903 and will not have dual references. In addition, state standards (LAC 33:IX Chapter 11) will not have dual references.

LAC 33:IX Citation: Unless otherwise stated, citations to LAC 33:IX refer to promulgated regulations listed at Louisiana Administrative Code, Title 33, Part IX.

40 CFR Citation: Unless otherwise stated, citations to 40 CFR refer to promulgated regulations listed at Title 40, Code of Federal Regulations in accordance with the dates specified at LAC 33:IX.2301.F., 4901, and 4903.

- B. **LPDES permit:** Issue date – July 30, 2003
Effective date – September 1, 2003
Expiration date – August 31, 2008
EPA has not retained enforcement authority

Date Application Received: The permit renewal application was received by this Office on January 17, 2008. Supplemental information was submitted by permittee via email dated May 30, 2008.

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- C. **Waiver:** The permittee has requested a waiver for COD, TOC, Oil & Grease, Ammonia, Total Nitrogen, Total Phosphorus, Total Residual Chlorine, and Fecal Coliforms for Outfalls 001, 002, 003, and 004 with the following as a rationale for the waiver:
1. These parameters are not part of the monitoring or reporting requirements for the Crystalline Cane Sugar Refining industry as specified in LAC 33:IX.707.C.
 2. There is a relation between COD and TOC, although not on a direct proportional basis to BOD₅, which is an effluent limitation, guideline parameter, and is a parameter, limit and monitoring requirement of all of American Sugar Refining, Inc.'s North American Sugars cane sugar refinery NPDES permits.
 3. The parameters Total Residual Chlorine and Fecal Coliform resulting from on-site activities are not anticipated in this discharge. All sewage is sent to a POTW which is the St. Bernard Parish – Fazendale WWTP LA0040975.

This waiver is granted based upon the reasons specified in the paragraphs listed above and in accordance with LAC 33:IX.2501.G.7.d.

V. FACILITY INFORMATION:

- A. **LOCATION**– 7417 N. Peters Street in Arabi, St. Bernard Parish (Latitude 29°36'46", Longitude 90°00'08")
- B. **APPLICANT ACTIVITY**- The applicant is a crystalline cane sugar refinery that manufactures refined cane sugars and molasses.
- C. **Technology Basis** – 40 CFR Chapter I, Subchapter N (Effluent Guidelines and Standards) parts 401, 405-415 and 417-471 have been adopted by reference at LAC 33:IX.4903.

Guidelines

Sugar Processing Point Source Category

Crystalline Cane Sugar Refining Subcategory

Reference

40 CFR Part 409, Subpart B

Other sources of technology based limits:

LAC 33:IX.707.C –Sugar Processing

Current LPDES permit (effective September 1, 2003)

LDEQ Stormwater Guidance, letter dated 6/17/87, from J. Dale Givens (LDEQ) to Myron Knudson (EPA Region 6)

Best Professional Judgement

D. FEE RATE

- a. Fee Rating Facility Type: Major
- b. Complexity Type: II
- c. Wastewater Type: II
- d. SIC code(s): 2062

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E. Facility Effluent Flow – (Continuous) – 17.324 MGD (Outfall (s) 001 and 002)

VI. RECEIVING WATERS:

Mississippi River- Outfall 001 and Outfall 002

- A. TSS (15%), mg/l: 30 mg/l
- B. Average Hardness, mg/l CaCO₃: 153.03
- C. Critical Flow, cfs: 141,955
- D. Mixing Zone Fraction: 1/3 or 0.33
- E. Harmonic Mean Flow, cfs: 366,748
- F. River Basin: Mississippi, Subsegment No. 070301
- G. Designated Uses:

The designated uses are primary contact recreation, secondary contact, fish and wildlife propagation and drinking water supply

Eickes Canal- Outfall 003 and Outfall 004

- A. River Basin: Lake Pontchartrain Basin, Segment 041801
- B. Designated Uses: The designated uses are primary contact recreation, secondary contact recreation and fish and wildlife propagation

This information is based on the following LAC 33:IX. Chapter 11 and memorandum from Todd Franklin to Paula M. Roberts dated March 10, 2008. The Hardness and 15% TSS data was obtained from ambient monitoring station No. 48 located on the Mississippi River near Luling, LA.

VII. OUTFALL INFORMATION:

Outfall 001 and Outfall 002

- A. Type of wastewater – barometric condenser water and condensed water vapor from process evaporation, water filtration plant accelerator blowdowns, mixed media filter bed backwashes, process wastewater treatment plant effluent, process cooling water, ultrafiltration cleaning solution, boiler and power house blowdowns, water softener backwash (brine), cooling water, stormwater runoff and the occasional discharge of decant wastewater from the sludge drying containment area
- B. Location Of Outfall(s):
 Outfall 001 – At the point of discharge located beneath the dock in the Mississippi River prior to combining with other waters (Latitude 29°56'35", Longitude 90°00'10")
 Outfall 002 – At the point of discharge from the west end of the dock discharging to the Mississippi River prior to combining with other waters (Latitude 29°56'38", Longitude 90°00'15")
- C. Treatment – Extended aeration activated sludge wastewater treatment plant
- D. Flow for Outfall 001 – continuous flow of 15.92 MGD and continuous flow for Outfall 002 – 1.404 (Average Flows were taken from the outfall identification section of the LPDES renewal application)

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American Sugar Refining, Inc. - Chalmette Cane Sugar Refinery produces 17.324 MGD of barometric condenser and condensed water vapor from process evaporation, water filtration plant accelerator blowdowns, mixed media filter bed backwashes, process wastewater treatment plant effluent, process cooling water, stormwater, and ultrafiltration cleaning solution. 15.92 MGD is directed to Outfall 001 and 1.404 MGD is directed to Outfall 002.

- E. Receiving Waters – effluent pipe, thence into the Mississippi River
- F. Basin and subsegment – Mississippi River Basin, 070301

Outfall 003 and Outfall 004

- A. Type of wastewater – Outfall 003, the intermittent discharge of low contamination potential stormwater runoff from the northwest property and from the west calcium carbonate storage area

Outfall 004, the intermittent discharge of low contamination potential stormwater runoff from the northeast property and from the east calcium carbonate storage area

- B. Location of Outfall(s):
 Outfall 003 – At the point of discharge from the northwest corner of the refinery property prior to combining with other waters (Latitude 29°57'09", Longitude 89°59'57")
 Outfall 004 – At the point of discharge from the northeast corner of refinery property prior to combining with other waters (Latitude 29°57'12", Longitude 89°59'51")
- C. Treatment - None
- D. Flow – intermittent
- E. Receiving Waters – open ditch, thence into Eickes Canal, thence into Florida Canal, thence into the Marshes North of Arabi, LA
- F. Basin and subsegment – Lake Pontchartrain Basin, Subsegment 041801

VIII. CURRENT EFFLUENT LIMITS:

See Appendix B – LPDES permit limits

IX. PROPOSED PERMIT LIMITS:

The specific effluent limitations and/or conditions will be found in the draft permit. Development and calculation of permit limits are detailed in the Permit Limit Rationale section.

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Summary of Proposed Changes from the Current LPDES permit:

- A. The production rate used in the calculations for the previous permit has increased from 3362 to 3593.23 tons/day of raw sugar melt. This is the maximum 30-day average production month for the previous year (2007). Therefore, the limitations for BOD₅ and TSS will increase.
- B. Part II, Section N includes updated language regarding the schedule for submittal of Discharge Monitoring Reports. All DMRs are sent to the Office of Environmental Compliance/Permit Compliance Unit and scanned into the Electronic Document Management System which is accessible to all DEQ personnel.
- C. The Laboratory Accreditation Language that was located in Part II of the previous permit has been removed. This language is now located in Part III, Section C, Paragraph 10 of the permit.
- D. Part II, Section O of the permit includes updated Biomonitoring language.

X. PERMIT LIMIT RATIONALE:

The following section sets forth the principal facts and the significant factual, legal, methodological, and policy questions considered in preparing the draft permit. Also set forth are any calculations or other explanations of the derivation of specific effluent limitations and conditions, including a citation to the applicable effluent limitation guideline or performance standard provisions as required under LAC 33:IX.2707/40 CFR Part 122.44(a) and reasons why they are applicable or an explanation of how the alternate effluent limitations were developed.

A. TECHNOLOGY-BASED VERSUS WATER QUALITY STANDARDS-BASED EFFLUENT LIMITATIONS AND CONDITIONS

Following regulations promulgated at LAC 33:IX.2707.L.2.b/40 CFR Part 122.44(l)(2)(ii), the draft permit limits are based on either technology-based effluent limits pursuant to LAC 33:IX.2707.A/40 CFR Part 122.44(a) or on State water quality standards and requirement pursuant to LAC 33:IX.2707.D/40 CFR Part 122.44(d), whichever is more stringent.

B. TECHNOLOGY-BASED EFFLUENT LIMITATIONS AND CONDITIONS

Regulations promulgated at LAC 33:IX.2707.A/40 CFR Part 122.44 (a) require technology-based effluent limitations to be placed in LPDES permits effluent limitations guidelines where applicable, on BPJ (best professional judgement) in the absence of guidelines, or on a combination of the two. The following is a rationale for types of wastewaters. See outfall information descriptions for associated outfall(s) in Section VII.

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1. Outfall 001 – continuous discharge of barometric condenser water and condensed water vapor from process evaporation, water filtration plant accelerator blowdowns, mixed media filter bed back washes, process wastewater treatment plant effluent, process cooling water, stormwater runoff, ultrafiltration cleaning solution and the occasional discharge of decant wastewater from the sludge drying containment area.
2. Outfall 002 – continuous discharge of boiler and power house blowdowns, water softener backwash (brine), barometric condenser water, cooling water and stormwater runoff.

American Sugar Refining, Inc. - Chalmette Cane Sugar Refinery is subject to Best Practicable Control Technology Currently Available (BPT) effluent limitation guidelines listed below:

Guideline

40 CFR 409.22 Subpart B

Crystalline Cane Sugar Refining Subcategory

Parameter	Production (tons/day)	Monthly Average Limit (lbs/day)	Daily Max Limit (lbs/day)	Frequency	Reference
Flow	N/A	Report	Report	Continuous	LAC 33:IX.2701.1.1.b
BOD ₅	3593.23	3090.2	8551.9	1/week	Subpart B, 40 CFR 409.22.a., LAC 33:IX.707.C.2
TSS	3593.23	646.8	1940.3	1/week	Subpart B, 40 CFR 409.22.a., LAC 33:IX.707.C.2
pH	N/A	6.0 s.u. (min)	9.0 s.u. (max)	1/week	Subpart B, 40 CFR 409.22.a., LAC 33:IX.707.C.2
Biomonitoring	---	---	---	1/year	See Section X. Paragraph D

(*) In accordance with 40 CFR 409.22.a. any crystalline cane sugar refinery discharging both barometric condenser cooling water and other process waters shall meet the following limitations for BOD₅ and TSS. The BOD₅ limitation is determined by the addition of the net BOD₅ attributed to the barometric condenser cooling water to that amount of BOD₅ attributed to the treated process water. The TSS limitation is that amount of TSS attributed to the treated process water. Where the barometric condenser cooling water and process water streams are mixed and impossible to measure separately prior to discharge, the values should be considered net. The mass limitations established in the permit are based upon total production of the facility from the previous year. Process wastewaters produced are split between Outfall 001 and Outfall 002. Therefore, the mass limitations calculated below and listed in the chart above are for the combination of Outfall 001 and Outfall 002.

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The monthly average mass limits and daily maximum mass limits have been revised based on the updated production and flow information provided in the application dated January 17, 2008.

Production = 3593.23 tons/day

Monthly Average Limit

$BOD_5 = 3593.23 \text{ tons/day} \times 0.86 \text{ lbs/ton} = 3090.2 \text{ lbs/day}$

$TSS = 3593.23 \text{ tons/day} \times 0.18 \text{ lbs/ton} = 646.8 \text{ lbs/day}$

Daily Maximum Limit

$BOD_5 = 3593.23 \text{ tons/day} \times 2.38 \text{ lbs/ton} = 8551.9 \text{ lbs/day}$

$TSS = 3593.23 \text{ tons/day} \times 0.54 \text{ lbs/ton} = 1940.3 \text{ lbs/day}$

3. Outfall 003 – the intermittent discharge of low contamination potential stormwater runoff from the west calcium carbonate storage area.
4. Outfall 004 – the intermittent discharge of low contamination potential stormwater runoff from the east calcium carbonate storage area.

Parameter	Monthly Average Limit	Daily Maximum Limit	Frequency	Reference
Flow	Report	Report	1/quarter	LAC33:IX.2701.1.1.b.; Current Permit
TOC	---	50 mg/l	1/quarter	LDEQ Stormwater Guidance; Current Permit
Oil & Grease	---	15 mg/l	1/quarter	LDEQ Stormwater Guidance; Current Permit
pH	6.0 s.u. (min)	9.0 s.u. (max)	1/quarter	LDEQ Stormwater Guidance; Current Permit

C. WATER QUALITY BASED EFFLUENT LIMITATIONS

In accordance with 40 CFR 122.44(d)(1), the existing discharge was evaluated to determine whether pollutants would be discharged "at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard." This existing facility is not listed in 40 CFR 122, Appendix A under any primary industry category. Therefore, the applicant is not required to submit effluent data for any toxic pollutants for which stream standards have been established under LAC 33:IX.1113. A review of Section VI of the Development Document for Effluent Limitations Guidelines and

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New Source Performance Standards for the Sugar Processing Point Source Category. EPA-440/1-74-002-c, dated March 1974, indicated that based on the evidence reviewed during the development process, there are no hazardous or toxic pollutants (e.g., heavy metals, organics, etc.) in wastes discharged from cane sugar processing facilities. (See Appendix C)

Based on this information, no water quality-based limitations have been established in the permit. To ensure compliance with 40 CFR 122.44(d)(1), whole effluent toxicity testing has been retained in this permit.

TMDL Waterbody

The discharge from Outfall(s) 001 and 002 flows by effluent pipe into the Mississippi River in Subsegment No. 070301 of the Mississippi River Basin. This subsegment is listed on LDEQ's FINAL 2006 305(b)/303(d) Integrated Report dated February 15, 2008 as fully supporting its designated uses. Therefore, there are no impairments of concern and the inclusion of additional permit limitations in the permit to address any impairment is not necessary.

The discharge from Outfall(s) 003 and 004 flows by open ditch into Eickes Canal thence into Florida Canal, thence into the Marshes north of Arabi, LA in Subsegment No. 041801 of the Lake Pontchartrain Basin. This subsegment is listed on LDEQ's FINAL 2006 305(b)/303(d) Integrated Report dated February 15, 2008 as fully supporting its designated uses. Therefore, there are no impairments of concern and the inclusion of additional permit limitations in the permit to address any impairment is not necessary.

However, a reopener clause has been placed in Part II of the permit to allow for more stringent or additional limitations or requirements to be placed in the permit, if needed, as a result of the establishment of any future TMDLs.

D. BIOMONITORING REQUIREMENTS

The provisions of this section apply to Outfall(s) 001 and 002.

It has been determined that there may be pollutants present in the effluent which may have the potential to cause toxic conditions in the receiving stream. The State of Louisiana has established a narrative criteria which states, "toxic substances shall not be present in quantities that alone or in combination will be toxic to plant or animal life." The Office of Environmental Services requires the use of the most recent EPA biomonitoring protocols.

Whole effluent biomonitoring is the most direct measure of potential toxicity which incorporated both the effects of synergism of effluent components and receiving stream water quality characteristics. Biomonitoring of the effluent is, therefore, required as a condition of this permit to assess potential toxicity. The biomonitoring procedures stipulated as a condition of this permit for combined Outfall(s) 001 and 002 are as follows:

TOXICITY TESTS

Acute static renewal 48-hour
definitive toxicity test using
Daphnia pulex

FREQUENCY

1/year

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Acute static renewal 48-hour
 definitive toxicity test using
Pimephales promelas

1/year

Toxicity tests shall be performed in accordance with protocols described in the latest revision of the "Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms." The stipulated test species are appropriate to measure the toxicity of the effluent consistent with the requirements of the State water quality standards. The biomonitoring frequency has been established to provide data representative of the facility's discharge in accordance with regulations listed at LAC 33:IX.2715/40 CFR 122.48 and to assure compliance with permit limitations following regulations listed at LAC 33:IX.2707.1.1/40 CFR 122.44(i)(1).

Results of all dilutions as well as the associated chemical monitoring of pH, temperature, hardness, dissolved oxygen, conductivity, and alkalinity shall be documented in a full report according to the test method publication mentioned in the previous paragraph. The permittee shall submit a copy of the first report to the Office of Environmental Compliance. The full report and subsequent reports are to be retained for three (3) years following the provisions of Part III.C.3 of this permit.

This permit may be reopened to require effluent limits, additional testing, and/or other appropriate actions to address toxicity if biomonitoring data show actual or potential ambient toxicity to be the result of the permittee's discharge to the receiving stream or water body. Modification or revocation of the permit is subject to the provisions of LAC 33:IX.2407/40 CFR 124.5. Accelerated or intensified toxicity testing may be required in accordance with Section 308 of the Clean Water Act.

Dilution Series

The permit requires five (5) dilutions in addition to the control (0%) effluent to be used in the toxicity tests. These additional effluent concentrations shall be **0.3%, 0.4%, 0.6%, 0.8%, and 1.0%** (the 10:1 Acute to Chronic ratio has been implemented). The biomonitoring critical dilution is defined as **0.8% effluent**.

Information regarding the biomonitoring requirements is based upon the Biomonitoring Frequency Recommendation provided by Laura Keen with the Biomonitoring and Pretreatment Unit. (See Appendix A)

E. MONITORING FREQUENCIES

Regulations require permits to establish monitoring requirements to yield data representative of the monitored activity [LAC 33:IX.2715/40 CFR 122.48 (b)] and to assure compliance with permit limitations [LAC 33:IX.2707.1/40 CFR 122.44(l)]. All monitoring frequencies are based upon best professional judgment and/or are consistent with frequencies established in the current LPDES permit.

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1. Outfall(s) 001 and 002 (combine) – Process Wastewaters

Flow shall be monitored continuously. The following pollutants are to be monitored once/week.

Parameter(s):

BOD, TSS and pH

A biomonitoring frequency of 1/year is consistent with the most recent EPA biomonitoring protocols. The permittee may request for a monitoring frequency reduction in accordance with Part II under 48-Hour Acute Freshwater Requirements of this permit.

2. Outfall(s) 003 and 004 – low contamination potential stormwater runoff

Flow shall be monitored 1/quarter. Also, the following pollutants are to be monitored once/quarter.

Parameter(s):

TOC, Oil & Grease and pH

XI. COMPLIANCE HISTORY/DMR REVIEW:

A. LDEQ records were reviewed for the period from August 2003 through February 2008 and revealed the following information about enforcement actions regarding this facility (In reverse chronological order):

1. On **February 25, 2008**, *SA-WE-07-0027* was closed. To satisfy the agreement, the permittee submitted a check in the amount of \$15,000.00. All Orders and Amended Orders referenced in this settlement agreement are closed as well.
2. On **February 15, 2008**, a letter along with a fully executed duplicate original of the settlement *SA-WE-07-0027* was sent to the law firm of Stone, Pigman, Walther Wittmann, L. L. C. on behalf of American Sugar Refining informing them that the agreement *SA-WE-07-0027* required the remittal of a check in the amount of \$15,000.00 within 10 days after receipt of the letter.
3. On **January 7, 2008**, a letter was sent to the Attorney General's Office from Executive Counsel at LDEQ related to the settlement between the Louisiana Department of Environmental Quality and American Sugar Refining, Inc. The letter stated that the settlement was public noticed and that the 45-day comment period had passed with no comments received.
4. *SA-WE-07-0027* was issued to this facility on **November 1, 2007**. In this agreement, the permittee agreed to pay the Department \$15,000.00. The amount of \$2,628.85 represents DEQ's enforcement costs in settlement of the claims set forth in the agreement.

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5. On September 26, 2007, a letter accompanied by two duplicate originals of the draft Settlement Agreement was sent to the law firm of Stone, Pigman, Walther Wittmann, L. L. C. on behalf of American Sugar Refining informing them to sign the originals and also public notice the proposed agreement. The agreement also contained notification that within 10 days of receiving notice of the execution of the Settlement Agreement by DEQ, that the respondent must forward a check in the amount agreed upon in the settlement.
6. On July 21, 2006, a letter was received from the law firm of Stone, Pigman, Walther Wittmann, L. L. C. on behalf of American Sugar Refining, Inc., submitting supplemental correspondence for the purpose of addressing the circumstances surrounding the cited violations in *WE-97-0407* and *WE-PP-277*, the actions taken by American Sugar to achieve compliance, and the factors identified in LA. R.S. 30:2025(E), and for the purpose of negotiating a settlement of all outstanding enforcement actions.
7. On June 21, 2005, a letter was received from the law firm of Stone, Pigman, Walther Wittmann, L.L.C. on behalf of American Sugar Refining, Inc. submitting information for the purpose of addressing the circumstances surrounding the cited violations in *WE-D-01-0013*, *WE-CN-02-0237*, *WE-CN-02-0237A*, *WE-CN-02-0237B*, and *WE-CN-02-0237C*, the actions taken by American Sugar to achieve compliance, and the factors identified in LA. R.S. 30:2025(E), and for the purpose of negotiating a settlement of all outstanding enforcement actions as well as submitting a proposed settlement.
8. The Amended Consolidated Compliance Order and Notice of Potential Penalty (*WE-CN-02-0237C*) dated May 13, 2005, amends Paragraph V of the Findings of Fact paragraph in the Amended Consolidated Compliance Order and Notice of Potential Penalty (*WE-CN-02-0237B*) to include additional effluent violations noted on the inspection report dated September 23, 2004 and a subsequent file review of the Discharge Monitoring Reports (DMRs) conducted by the Department on or about April 22, 2005.
9. On October 1, 2004, a letter was received from the law firm of Stone, Pigman, Walther Wittmann, L. L. C. on behalf of American Sugar Refining, Inc., submitting comments in response to the Amended Consolidated Compliance Order and Notice of Potential Penalty (*WE-CN-02-0237B*), stating that an exceedance of the Daily maximum TOC value for the monitoring period of January 2004-March 2004 and the exceedance of the daily average and daily maximum BOD₅ value for the February 2004 monitoring period were not identified in Paragraph V of the previously issued Consolidated Compliance Order and Notice of Potential Penalty.
10. The Amended Consolidated Compliance Order and Notice of Potential Penalty (*WE-CN-02-0237B*) dated August 6, 2004, amends Paragraph I and V of the Findings of Fact paragraph in the Amended Consolidated Compliance Order and Notice of Potential Penalty (*WE-CN-02-0237A*) to include additional effluent violations noted on the inspection report dated December 11, 2003 and a subsequent file review of the Monitoring Reports (DMRs) conducted by the Department from the period January 2001 through April 2004.

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11. The The Amended Consolidated Compliance Order and Notice of Potential Penalty (*WE-CN-02-0237A*) dated **January 27, 2004**, amends Paragraphs I and V of the Findings of Fact paragraph. Specifically, the BOD₅ Daily Average excursion for the period of January 2002 should have been omitted from the table.
 12. The Consolidated Compliance Order and Notice of Potential Penalty (*WE-CN-02-0237*) dated **May 30, 2003**, was issued. Included in the Order were effluent violations noted on the inspection reports conducted on or about May 21, 2002 and May 19, 2003 and a subsequent file review of the Discharge Monitoring Reports (DMRs) conducted by the Department for the period January 2001 through March 2003.
- B. A DMR review of the monitoring reports for the period of April 1, 2006 through February 29, 2008 revealed the following effluent violations.

Outfall 001

Date	Parameter	Monthly Average	Daily Maximum	Permit Limit Monthly Avg./ Daily Max
February 2006	BOD ₅	3678 lbs/day	7840 lbs/day	3090.2/8551.9
June 2006	BOD ₅	3958 lbs/day	10148 lbs/day	3090.2/8551.9
December 2006	BOD ₅	3164 lbs/day	5584 lbs/day	3090.2/8551.9
June 2007	BOD ₅	14862 lbs/day	55332 lbs/day	3090.2/8551.9
August 2007	TSS	685 lbs/day	2817 lbs/day	646.8/1940.3

Outfall 003

Date	Parameter	Daily Maximum	Permit Limit
December 2007	TOC	97.6 mg/l	50 mg/l

Outfall 004

Date	Parameter	Daily Maximum	Permit Limit
December 2007	TOC	384 mg/l	50 mg/l

- C. The following inspections were performed during the period September 23, 2004 through February 2008:
- I. On July 26, 2007, an inspection was performed by Kevin Cousins with the Southeast Regional Office. The findings included:
 - a. The permit was onsite and current. (effective 9/1/03).
 - b. The SPC plan was onsite and current.
 - c. The SWP3 was satisfactory.
 - d. The facility has sampled and submitted reports to the DEQ as required by their permit.
 - e. The facility has exceeded their permit limits for TOC, BOD₅, TSS, and pH for the period under review from 9/1/04-7/31/07.

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- f. The sewage lift station servicing the west side of the facility dock was observed over flowing into the Mississippi River. Facility personnel immediately shut off water to the bathrooms that drain into the lift station and contracted a plumber to effect repairs. This repair was completed the next day.
2. On October 3, 2005, an inspection was performed by Don Brandin and Angela Gagliano with the LDEQ Southeast Regional Office. The inspection was a part of the Hurricane Katrina Incident. The findings included:
 - a. No electricity. Portable generator caught fire and it was not operational.
 - b. The facility did flood with about 18 inches to the front of the property to a depth of 5 feet in the warehouse area. There was a total depth of 8 feet.
 - c. Extent of damage: the buildings were ok, but all electrical devices were destroyed, their product was destroyed and there was a loss of the computer system and the communication system was destroyed.
3. On September 23, 2004, an inspection was performed by David L. Frazier with the Southeast Regional Office. The findings included:
 - a. The new permit issued 7/30/03 recognizes the methods used by the plant to determine flow rate.
 - b. The outfalls 001 and 002 to the Mississippi River were photographed.
 - c. The stormwater outfalls 003 and 004 to the Eickes Canal were photographed.
 - d. The land along the east side of the property has railroad traffic and four large culverts that drop stormwater onto the property. On occasion the TOC sample exceeds the permit limit.

XII. "IT" QUESTIONS – APPLICANT'S RESPONSES

This application is for an LPDES permit renewal with no major modifications or additions, therefore, responses to these questions are not necessary.

XIII. ENDANGERED SPECIES:

The receiving waterbody, Subsegment No. 070301 of the Mississippi River Basin has been identified by the U. S. Fish and Wildlife Service (FWS) as habitat for the Pallid Sturgeon which is listed federally as a threatened species. This is a major facility discharging into one of the designated subsegments; however, the discharge does not contain any of the listed substances in Section II.2 of the Implementation Strategy as requiring consultation with the Service. This strategy was submitted with a letter dated October 24, 2007 from Boggs (FWS) to Brown (LDEQ). Therefore, in accordance with the Memorandum of Understanding between the LDEQ and the FWS, no further informal (Section 7, Endangered Species Act) consultation is required. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat. Therefore, the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat.

Fact Sheet

American Sugar Refining, Inc.

Chalmette Cane Sugar Refinery

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XIV. HISTORIC SITES:

The discharge is from an existing facility location, which does not include an expansion on undisturbed soils. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits, no consultation with the Louisiana State Historic Preservation Officer is required.

XV. TENTATIVE DETERMINATION:

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to reissue a permit for the discharge described in the application.

XVI. VARIANCES:

No requests for variances have been received by this Office.

XVII. PUBLIC NOTICES:

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the fact sheet. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspapers of general circulation

Office of Environmental Services Public Notice Mailing List